

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Public Safety and Correctional Services)**

Requested: November 3, 2003
Introduced and read first time: January 14, 2004
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 2, 2004

CHAPTER _____

1 AN ACT concerning

2 **Criminal Injuries Compensation Board - Life Insurance Benefits**

3 FOR the purpose of exempting certain amounts of life insurance benefits from
4 required reductions in awards for criminal injuries compensation; and generally
5 relating to criminal injuries compensation.

6 BY repealing and reenacting, with amendments,
7 Article - Criminal Procedure
8 Section 11-811
9 Annotated Code of Maryland
10 (2001 Volume and 2003 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Criminal Procedure**

14 11-811.

15 (a) (1) (i) Except as otherwise provided in this subsection, an award
16 under this subtitle shall be made in accordance with the schedule of benefits, as it
17 existed on January 1, 2001, and degree of disability as specified in Title 9, Subtitle 6
18 of the Labor and Employment Article and any other applicable provisions of the Labor
19 and Employment Article, except for Title 9, Subtitle 8 of the Labor and Employment
20 Article.

1 (ii) For determining the amount of an award under this subtitle,
2 the term "average weekly wages" does not include tips, gratuities, and wages that are
3 undeclared on the claimant's State or federal income tax returns for the applicable
4 years.

5 (iii) If a claimant does not have "average weekly wages" to qualify
6 under the formula in Title 9, Subtitle 6 of the Labor and Employment Article, the
7 award shall be in an amount equal to the average of the maximum and minimum
8 awards listed in the applicable portion of that subtitle.

9 (2) An award for loss of earnings or support made under this subtitle
10 may be up to two-thirds of the victim's gross average wage, but may not be less than
11 the amount provided in paragraph (1) of this subsection.

12 (3) The parent or guardian of a victim who is a child and who resides
13 with the victim may be eligible for an award of up to 30 days of lost earnings as a
14 result of caring for the victim.

15 (4) An award for funeral expenses may not exceed \$5,000.

16 (5) Subject to the limitation under subsection (b)(3) of this section and §
17 11-812 of this subtitle, a person who is eligible for an award as the result of the death
18 of a victim or psychological injury may be eligible, under the regulations that the
19 Board adopts, to receive psychiatric, psychological, or mental health counseling.

20 (6) Subject to the limitation under subsection (b)(6) of this section and §
21 11-812 of this subtitle, a parent, child, or spouse of a victim who resides with the
22 victim and who is eligible for an award as the result of the injury of a victim is eligible
23 to receive psychiatric, psychological, or mental health counseling.

24 (b) Compensation awarded under this subtitle may not exceed:

25 (1) for a disability-related or dependency-related claim:

26 (i) except as provided in item (ii) of this paragraph, \$25,000; or

27 (ii) if the injury to the victim results in permanent total disability,
28 up to an additional \$25,000 after a disability-related claim has been awarded to the
29 victim;

30 (2) \$45,000 for a medical claim;

31 (3) \$5,000 for each claimant for psychiatric, psychological, or mental
32 health counseling under subsection (a)(4) of this section;

33 (4) except as provided in item (1)(ii) of this subsection, a total of \$45,000,
34 including any subsequent and supplemental awards;

1 (5) \$250 for each claimant for repair, replacement, or cleaning of
2 property damaged, soiled, or littered as a result of a crime or law enforcement
3 investigation of a crime; or

4 (6) for an award for psychiatric, psychological, or mental health
5 counseling made under subsection (a)(6) of this section:

6 (i) \$1,000 for each claimant; and

7 (ii) \$5,000 for each incident.

8 (c) An award made under this subtitle shall be reduced by the amount of any
9 payments received or to be received as a result of the injury:

10 (1) from or on behalf of the offender;

11 (2) EXCEPT AS PROVIDED IN ITEM (3) OF THIS SUBSECTION, from any
12 other public or private source, including an award of the State Workers'
13 Compensation Commission under the Maryland Workers' Compensation Act ~~OR ANY~~
14 ~~PROCEEDS OF LIFE INSURANCE IN EXCESS OF \$25,000; or;~~

15 (3) FROM ANY PROCEEDS OF LIFE INSURANCE IN EXCESS OF \$25,000; OR

16 (3) (4) as an emergency award under § 11-813 of this subtitle.

17 (d) If there are two or more persons entitled to an award as a result of the
18 death of a victim, the award shall be apportioned among the claimants.

19 (e) The Board may negotiate a settlement with a health care provider for the
20 medical and medically related expenses.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect October 1, 2004.